

# BEST AVAILABLE COPY

*Application No. 10/748,339*

## REMARKS/ARGUMENTS

The above-identified patent application has been reviewed in light of the Examiner's Action dated March 3, 2006. No claims have been amended in this response. Accordingly, Claims 1-6 are currently pending.

Claims 1-5 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,697,915, assigned to the assignee of the present application. Applicants agree to submit a terminal disclaimer upon a finding that claims in the present application are allowable, but for the double patenting rejection.

Claims 1-6 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,539,518 to Fang et al. ("Fang"). In order for a rejection under 35 U.S.C. §102 to be proper, each and every element as set forth in a claim must be found, either expressly or inherently described, in a single prior art reference. (MPEP §2131.) However, each and every element of the claims cannot be found in the Fang reference. Therefore, reconsideration and withdrawal of the rejections of Claims 1-6 are respectfully requested.

Applicants respectfully traverse the Examiner's assertion that the pending Claims are anticipated by Fang. Applicants believe that Fang does not disclose, at a minimum, a command decision circuit connected to the check head register and the check sector counter for deciding whether the digital data requested to be transferred is stored in the buffer memory based on the first address, the count value, and a head address of the digital data requested to be transferred, as is recited in Claim 1. Rather, Fang discloses a device controller 200 that transfers data stored in the memory buffer 211 in response to a request from the host computer system 190. Specifically, the auto host 205 of Fang detects the presence of a command and sends an interrupt to the microprocessor interface 209 (see Fang column 7, lines 9-15). That is, the microprocessor interface 209 of Fang processes a command regarding a data transfer to the host computer system 190 after an interrupt is permitted. Furthermore, the autodisk controller 212 of Fang does not function as the command decision circuit of the present invention. Rather, the autodisk controller 212 intercepts commands to relieve the microprocessor of monitoring and error checking functions (see Fang column 7, line 67 to column 8, line 5). Accordingly, it is submitted that Claims 1-6 are not

## BEST AVAILABLE COPY

*Application No. 10/748,339*

anticipated by Fang and therefore the rejections of these claims should be reconsidered and withdrawn.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Matthew R. Ellsworth  
Registration No. 56,345  
1560 Broadway, Suite 1200  
Denver, Colorado 80202-5141  
(303) 863-9700

Date: June 2, 2006